

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION
CIVIL CASE NO. 1:20-cv-00053-MR-WCM**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

**APPROXIMATELY \$9,393.00 IN U.S.
CURRENCY seized from Blade
Frierson on September 26, 2019 in
Buncombe County, North Carolina,**

**APPROXIMATELY \$24,484.00 IN U.S.
CURRENCY seized from Blade
Frierson on September 26, 2019 in
Buncombe County, North Carolina,**

and

**ONE 2019 TOYOTA TUNDRA
CREWMAX TRUCK, VIN
5TFHY5F16KX809215,**

Defendants.

**ORDER AND DEFAULT
JUDGMENT OF
FORFEITURE**

THIS MATTER is before on the Government's Motion for Default Judgment. [Doc. 32].

The Government moves for the entry of a default judgment as to all persons and entities with respect to the \$9,393.00 in U.S. Currency, the

\$24,484.00 in U.S. Currency, and the 2019 Toyota Tundra (collectively, “the Defendant Property”) identified in the Verified Complaint, other than Blade Frierson, whose claim has been resolved pursuant to the terms of a settlement agreement. [See Doc. 29-1 Settlement Agreement].

On February 18, 2020, the Government filed a Verified Complaint for Forfeiture *in Rem*, alleging that the Defendant Property is subject to civil forfeiture under 21 U.S.C. §§ 881(a)(4) and (6). [Doc. 1]. On February 19, 2020, the Clerk issued a Warrant of Arrest *in Rem* for the Defendant Property. [Doc. 2].

After the Government filed its Complaint, and in accordance with Rule G(4)(b) of the Supplemental Rules for Admiralty or Maritime Claims and Asset Forfeiture Actions, the Government provided direct notice of this action to known potential claimants. In particular, on February 21, 2020, the Government mailed notice and a copy of the Complaint to Blade Christian Frierson and his attorney, Ben Scales. Additionally, in accordance with Supplemental Rule G(4)(a), the Government provided notice by publication as to all persons with potential claims to the Defendant Property by publishing notice via www.forfeiture.gov for 30 consecutive days, beginning on February 21, 2020. [Doc. 3].

The Government has taken reasonable steps to provide notice to known potential claimants, and the Government has otherwise complied with the notice requirements set forth in Supplemental Rule G(4). During the pendency of this action, no other individual or entity has made a timely claim to the Defendant Property. Accordingly, on February 15, 2023, the Government filed a motion for entry of default, [Doc. 29], and on February 23, 2023, the Clerk entered default. [Doc. 31].

For these reasons, pursuant to Fed. R. Civ. P. 55(b), the Government requests that the Court enter a default judgment as to all persons and entities with respect to the Defendant Property other than Blade Frierson, whose claim has been resolved pursuant to a settlement agreement. See United States v. 15 Trimont Lake Road, No. 2:10-cv-16, 2011 WL 309921 (W.D.N.C. Jan. 28, 2011) (entering Default Judgment of Forfeiture as to all other persons and entities when a claimant entered into settlement agreement).

After careful review, the Court finds that the Government's motion should be granted.

Accordingly, **IT IS, THEREFORE, ORDERED** that:

1. The Government's Motion for Default Judgment of Forfeiture [Doc. 32] is **GRANTED**, and judgment is entered in favor of the United States

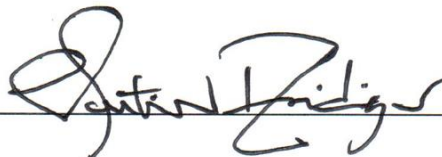
against all persons and entities with respect to the Defendant Property other than Blade Frierson, whose claim to the Defendant Property was resolved pursuant to the terms of a settlement agreement.

2. With the exception of the vehicle and amount to be returned to Mr. Frierson under the terms of the settlement agreement, any right, title and interest of all other persons and entities to the Defendant Property is hereby forfeited to the United States, and no other right, title, or interest shall exist.

3. The United States Marshal is hereby directed to dispose of the Defendant Property as provided by law, consistent with the terms of the settlement agreement.

IT IS SO ORDERED.

Signed: March 6, 2023



Martin Reidinger
Chief United States District Judge

